

REMARKS

Reconsideration of the subject application is requested in view of the following remarks.

Claims 1-7, 9-10, 15, 17-21, 23 and 29 are pending in the application, with claims 1 and 29 being independent. Claim 30 has been canceled.

Applicants gratefully acknowledge the Examiner's allowance of claim 29, and his finding that claims 19-21 and 23 are allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims.

Election/restriction

The Examiner withdrew from consideration claim 30, which had been added in the previous response dated January 29, 2008, because of the Examiner's finding that it is directed to a non-elected invention. Applicants in this response have canceled this claim without prejudice to the underlying subject matter.

Provisional obviousness-type double patenting rejection

Claims 1-7, 9-10, 15 and 17-18 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting over claims 34-56 of copending U.S. Application No. 11/500,981.

Applicants respectfully request that the Examiner withdraw this rejection. MPEP §804(I)(B)(1) provides:

If a "provisional" nonstatutory obviousness-type double patenting (ODP) rejection is the only rejection remaining in the earlier filed of the two pending applications, while the later-filed application is rejectable on other grounds, the examiner should withdraw that rejection and permit the earlier-filed application to issue as a patent without a terminal disclaimer. If the ODP rejection is the only rejection remaining in the later-filed application, while the earlier-filed application is rejectable on other grounds, a terminal

disclaimer must be required in the later-filed application before the rejection can be withdrawn.

The provisional obviousness-type double patenting rejection is the only remaining rejection in this application. Moreover, this application was filed on August 1, 2003, while reference application 11/500,981 was filed on August 9, 2006. For this reason, this application is “earlier filed” under MPEP §804(I)(B)(1) compared to reference application 11/500,981. Therefore, the Examiner should, based on MPEP §804(I)(B)(1), withdraw the provisional obviousness-type double patenting rejection and permit this application to issue.

Conclusion

In view of the above, Applicants submit that the subject application is in condition for allowance. Favorable consideration and allowance of the application are respectfully requested.

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Respectfully submitted,

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